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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/438,431	11/12/1999	PHILIPPE CHARAS	040010-491	9310

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EXAMINER
WEN, SHAOJUN

ART UNIT	PAPER NUMBER
2157	5

DATE MAILED: 09/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

Office Action Summary	Application No.	Applicant(s)	
	09/438,431	CHARAS ET AL.	
	Examiner	Art Unit	
	Shaojun Wen	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *1* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. This is a first office action in response to application filed, with the above serial number, on November 12, 1999 in which claims 1-25 are presented for examination.

Claims 1-25 are therefore pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable by Maria Papadopouli et al (Maria Papadopouli and Henning Schulzrinne. ``Network Connection Sharing in an Ad Hoc Wireless Network among Collaborative Hosts", NOSSDAV, June 24th-26th, 1999, Bell Labs, New Jersey) in view of Choquier (hereinafter "Choquier", USPN 5,774,668).

As per claim 1, Papadopouli teaches a method of selectively accessing a network, using an end device having an indirect interface that can communicate with one or more access network terminating devices, the method comprising the steps of:

comparing the determined access capability for the each of the one or more access network terminating devices with a preferred access capability associated with the end device, wherein at

least one of the access network terminating devices is selected based, on the comparison (page 4, line 24-27).

Papadopouli does not teach determining an access capability for each of the one or more access network terminating devices;

Choquier teaches determining an access capability for each of the one or more access network terminating devices (i.e. application servers) (col 2, line 47-52);

Therefore, one of ordinary skill in the relevant art at the time the invention was made would have found it obvious to add Choquier's online service system to Papadopouli's connection sharing in Ad Hoc wireless network among collaborating hosts because this enhance the usability of Papadopouli's connection sharing among collaborating hosts since it would allow to choose a gateway achieves load balancing.

As per claims 2 and 8, Papadopouli teaches the method further comprising the step of configuring the end device (i.e. host) according to the access capability of the selected at least one of the one or more access network terminating devices (i.e. gateways) (page 4, line 25-26)

As per claims 3 and 9, Papadopoulie teaches the access capability further includes one or more of: cost of access, coverage area, bandwidth, delay, priority level and QoS (page 4, line 3-6).

As per claims 4 and 10, Papadopoulie teaches the preferred access capability further includes one or more of: cost of access, coverage area, bandwidth, delay, priority level and QoS (page 4, line 3-6).

As per claims 5 and 11, Papadopoulie does not teach the method comprising the steps of:

polling the indirect interface (i.e. Gateway microcomputer) to detect if one or more new access network terminating devices (application servers) are available to the end device (col 2, line 43-47);

determining an access capability for each of the one or more new access network terminating devices if detected (col 2, line 47-50); and

comparing the determined access capability for the each of the one or more detected new access network terminating devices with at least one of the preferred access capability associated with the end device and the access capability of a currently used access network terminating device, wherein one of the new access network terminating devices can be selected based on the comparison (col 2, line 47-50).

Choquier teach the method comprising the steps of:

polling the indirect interface (i.e. Gateway microcomputer) to detect if one or more new access network terminating devices (application servers) are available to the end device (col 2, line 43-47);

determining an access capability for each of the one or more new access network terminating devices if detected (col 2, line 47-50); and

comparing the determined access capability for the each of the one or more detected new access network terminating devices with at least one of the preferred access capability associated with the end device and the access capability of a currently used access network terminating device,

wherein one of the new access network terminating devices can be selected based on the comparison (col 2, line 47-50).

Therefore, one of ordinary skill in the relevant art at the time the invention was made would have found it obvious to add Choquier's online service system to Papadopouli's connection sharing in Ad Hoc wireless network among collaborating hosts because this enhance the usability of Papadopouli's connection sharing among collaborating hosts since it would allow to choose a gateway achieves load balancing.

As per claim 6, Papadopoulie teaches the method further comprising the steps of:
selecting one of the one or more new access network terminating devices based on the comparison (col 2, line 47-50); and
configuring the end device according the access capability of the selected one of the one or more new access network terminating devices (page 5, line 13-16).

As per claim 7, Papadopoulie teaches a system for providing selective access to a network comprising:
an end device (i.e. mobile hosts) (page 5, line 14-15);
at least one access network terminating device for connecting the end device to the network (page 5, line 14-18); and
an indirect interface coupled to the end device and to at least one access network terminating device, the indirect interface configured to:

determine an access capability for each of the at least one access network terminating device (page 5, line 15-17); and

compare the determined access capability for the each of the at least one access network terminating device with a preferred access capability associated with the end device, wherein one of at least one access network terminating devices is selected based on the comparison (page 5, line 17-18).

As per claim 8, Papadopoulie teaches the system further comprising:

means for configuring the end device according the access capability of the selected one of the at least one access network terminating device (page 5, line 13-16).

As per claim 9, Papadopoulie teaches the system wherein the access capability further includes one or more of: cost of access, coverage area, and QoS (page 4, line 3-6).

As per claim 10, Papadopoulie teaches the system wherein the preferred access capability further includes one or more of: cost of access, coverage area, and QoS (page 4, line 3-6).

As per claim 12, Papadopouli teaches the system further comprising:

means for configuring the end device according to the access capability of the selected one of the one or more new access network terminating devices (page 4, line 27).

As per claim 13, Papadopouli teaches the system wherein the end device is a cellular telephone (page 2, line 9-10).

As per claim 14, Papadopouli teaches the system wherein the cellular telephone includes, as a direct interface, means for communicating over a cellular air interface and includes, as the indirect interface, means for communicating over a Bluetooth air interface (page 2, line 9-10).

As per claim 15, Papadopouli teaches an end device comprising:
means for communicating with a plurality of network access terminating devices over a indirect interface (i.e. gateways) (Papadopouli, page 4, line 30-33);
means for selecting one of the plurality of network access terminating devices by receiving access network capabilities associated with each of the plurality of network access terminating devices over the indirect interface and comparing the received access network capabilities with the stored access network preferences (page 5, line 14-18).

Papadopouli does not teach means for storing access network preferences (i.e. service map) (col 2, line 53-57);

Choquier teaches means for storing access network preferences (i.e. service map) (col 2, line 53-57);

Therefore, one of ordinary skill in the relevant art at the time the invention was made would have found it obvious to add Choquier's online service system to Papadopouli's connection sharing in Ad Hoc wireless network among collaborating hosts because this enhance

the usability of Papadopouli's connection sharing among collaborating hosts since it would allow to choose a gateway achieves load balancing.

As per claim 16, Papadopouli teaches the end device wherein indirect interface is a Bluetooth interface (page 2, line 7-8).

As per claim 17, Papadopouli teaches the end device wherein the access network terminating devices provide a communication link with the Internet (page 3, line 24-26).

As per claim 18, Papadopouli teaches the end device further comprising:
mean for communicating over a direct interface (page 3, line 22-24).

As per claim 19, Papadopouli teaches the end device wherein the end device can communicate simultaneously over the direct interface (i.e. wireless modem) and the indirect interface (i.e. Bluetooth device) (page 2, line 7-10).

As per claim 20, Papadopouli teaches the end device wherein the direct interface is a cellular interface (page 2, line 7-8).

As per claim 21, Papadopouli teaches a method for selectively connecting an end device to a network comprising the steps of: identifying at least one network terminating device available to

the end device for connection to the network (page 2, line 8-11); transferring capability information between at least one network and the end device (col 2, line 53-57);

Papadopouli does not teach comparing the transferred capability information with stored user preferred capability information; selecting one of at least one network terminating device based on a result of comparing step; and connecting to said network using the selected network terminating device.

Choquier teaches comparing the transferred capability information with stored user preferred capability information (i.e. service map) (col 2, line 53-57);
selecting one of at least one network terminating device based on a result of comparing step; and connecting to said network using the selected network terminating device (col 2, line 43-52).

Therefore, one of ordinary skill in the relevant art at the time the invention was made would have found it obvious to add Choquier's online service system to Papadopouli's connection sharing in Ad Hoc wireless network among collaborating hosts because this enhance the usability of Papadopouli's connection sharing among collaborating hosts since it would allow to choose a gateway achieves load balancing.

As per claim 22, Papadopouli teaches the method further comprising the step of:
continuing, after the connecting step, to identify network terminating devices available to the end device (page 2, line 3-8).

As per claim 23, Papadopouli does not teach the method further comprising the step of:

determining if capability information associated with a newly identified network terminating device provides a greater match with the stored user preferred capability information than the selected network terminating device.

Choquier teaches the method further comprising the step of:
determining if capability information associated with a newly identified network terminating device provides a greater match with the stored user preferred capability information than the selected network terminating device (col 2, line 43-52).

Therefore, one of ordinary skill in the relevant art at the time the invention was made would have found it obvious to add Choquier's online service system to Papadopouli's connection sharing in Ad Hoc wireless network among collaborating hosts because this enhance the usability of Papadopouli's connection sharing among collaborating hosts since it would allow to choose a gateway achieves load balancing.

As per claim 24, Papadopouli teaches the method further comprising the step of:
selectively changing the connection to the network from the selected network terminating device to the newly identified network terminating device based on a result of the determining step (page 5, line 17-18).

As per claim 25, Papadopouli does not teach the method wherein the step of transferring further comprises the step of: offering, from at least one network terminating device, a foreign agent (i.e. application server) to the end device.

Choquier teaches the method wherein the step of transferring further comprises the step of: offering, from at least one network terminating device, a foreign agent (i.e. application server) to the end device (col 2, line 53-56).

Therefore, one of ordinary skill in the relevant art at the time the invention was made would have found it obvious to add Choquier's online service system to Papadopouli's connection sharing in Ad Hoc wireless network among collaborating hosts because this enhance the usability of Papadopouli's connection sharing among collaborating hosts since it would allow to choose a gateway achieves load balancing.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bellwood et al and Barnes et al are cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaojun Wen whose telephone number is (703)305-4874. The examiner can normally be reached on Monday – Friday (8:30-5:30). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached

on (703) 308-7562. The fax number for the organization where this application or proceeding is assigned (703) 746-3999 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Shaojun Wen

Patent Examiner

Technology Center 2100

August 16th, 2002

GLENTON B. BURGESS
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